



# House of Representatives

General Assembly

**File No. 569**

February Session, 2018

House Bill No. 5557

*House of Representatives, April 18, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (3) of subsection (m) of section 54-56d of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2018*):

4 (3) If the court orders the release of a defendant charged with the  
5 commission of a crime that resulted in the death or serious physical  
6 injury, as defined in section 53a-3, of another person, or with a  
7 violation of subdivision (2) of subsection (a) of section 53-21,  
8 subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a,  
9 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, or orders the  
10 placement of such defendant in the custody of the Commissioner of  
11 Mental Health and Addiction Services or the Commissioner of  
12 Developmental Services, the court may, on its own motion or on  
13 motion of the prosecuting authority, order, as a condition of such  
14 release or placement, periodic examinations of the defendant as to the

15 defendant's competency at intervals of not less than six months. Such  
16 an examination shall be conducted in accordance with subsection (d)  
17 of this section. Periodic examinations ordered by the court under this  
18 subsection shall continue until (A) the court finds that the defendant  
19 has attained competency or until the time within which the defendant  
20 may be prosecuted for the crime with which the defendant is charged,  
21 as provided in section 54-193 or 54-193a, has expired, whichever occurs  
22 first, or (B) the examiners determine there is a substantial probability  
23 that the defendant, if provided with a course of treatment, will never  
24 regain competency within the maximum period of any placement  
25 under this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	54-56d(m)(3)
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**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes a change to criminal procedure and does not result in a fiscal impact to the state or municipalities.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5557*****AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL.*****SUMMARY**

This bill adds to the conditions under which the court must stop periodic examinations of a criminal defendant deemed incompetent to stand trial. Specifically, under the bill, the court must do this if the examiners determine that there is a substantial probability the defendant, if provided a course of treatment, will never regain competency within the maximum time period for which he or she could be sentenced for the alleged crime. Under existing law, periodic examinations must also stop if the (1) court finds the defendant attained competency or (2) time within which the defendant may be charged for the alleged crime expires, whichever occurs first.

By law, a defendant in a criminal trial may not be tried, convicted, or sentenced while he or she is deemed incompetent (i.e., unable to understand the proceedings or assist in his or her own defense). If treatment for the defendant is unsuccessful and the defendant does not attain competency, the court may order such a defendant (1) released or (2) placed in the custody of the departments of children and families, developmental services, or mental health and addiction services. Defendants placed in a department's custody may receive further treatment or be civilly committed to a psychiatric facility, if appropriate (CGS § 54-56d(m)).

As a condition of such release or placement, the court may order periodic competency examinations at least every six months. If competency is not restored during the time period during which the defendant may be prosecuted for the alleged crime, the court must dismiss, with or without prejudice, any charges that were not

prosecuted (CGS § 54-56d(m)).

EFFECTIVE DATE: October 1, 2018

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    34    Nay   7    (04/03/2018)